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intended feature from the *Ratzel* reference (i.e., the PKTID will not longer exist) and will interfere with the ability of the *Ratzel* arrangement to achieve its intended result (i.e., without the PKTID, the *Ratzel* arrangement will not be able to determine the type of packet a particular packet is). MPEP 2143.01 (V) and (VI) are instructive as to why the proposed combination cannot be made.

Even if the Examiner would not replace the PKTID with the DLCI field but would add the two together, the combination cannot be made. Where a proposed modification to a reference will not provide any benefit, the legally required reason for making the combination is missing and there is no *prima facie* case of obviousness. The *Ratzel* reference includes a HANDLE field 56 if a DATA packet 22 is used. The HANDLE field 56 specifies which remote station the data is intended for, or which remote station the data originated with (col. 3, lines 49-52). The *Ratzel* reference already has a field that gives information like the end-to-end address field information that the Examiner proposes to bring in from the *English* reference. Therefore, the proposed addition would be redundant, at best. There would be no benefit and the proposed combination cannot be made.

Additionally, even if the proposed combination could somehow be made, the result is not what the Examiner contends and does not establish a *prima facie* case of obviousness. The DLCI field in the *English* reference is a *frame* end-to-end address field. That is not a *packet* identifier. Even if it were, it has nothing to do with the number of parallel channels in the transmission system. The discussion of a channel element or a virtual port in the *English* reference does not correspond to a number of parallel channels in a transmission system, but instead only identifies the particular channel element or virtual port used to get the frame to the intended recipient. The frame address information of the *English* reference, therefore, does not add anything to the *Ratzel*.

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reference that would result in a packet having an encoder packet identifier as suggested by the Examiner.

The proposed combination cannot be made and even if it could does not provide a result that establishes a *prima facie* case of obviousness. All rejections under 35 USC 103 must be withdrawn.

The proposed addition of the teachings of the *Rathonyi* reference does nothing to remedy the defect in the base combination. Even if all three references could be combined, the result is not consistent with what the Examiner proposes in the Office Action (i.e., there still is no packet identifier that corresponds to a number of parallel channels in the transmission system) and there is no *prima facie* case of obviousness.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

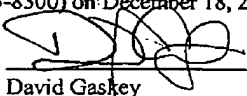
By: 

David J. Gaskey
Registration No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response for Application Serial No. 09/725,437, is being facsimile transmitted to the Patent and Trademark Office (Fax No. ((571) 273-8300) on December 18, 2008.


David Gaskey